

Bill No. SB 2066

Barcode 760998    Comm: RCS    04/19/2006 06:49 PM

585-2237-06

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1                                    A bill to be entitled

2                    An act relating to a review under the Open

3                    Government Sunset Review Act regarding the

4                    Johnnie B. Byrd, Sr., Alzheimer's Center and

5                    Research Institute; amending s. 1004.445, F.S.,

6                    which provides an exemption from public-records

7                    requirements for personal identifying

8                    information relating to clients of programs

9                    created or funded through the Johnnie B. Byrd,

10                   Sr., Alzheimer's Center and Research Institute

11                   and held by the institute, the University of

12                   South Florida, or the State Board of Education,

13                   medical or health records relating to patients

14                   held by the institute, materials that relate to

15                   methods of manufacture or production, potential

16                   trade secrets, potentially patentable material,

17                   actual trade secrets, or proprietary

18                   information received, generated, ascertained,

19                   or discovered during the course of research

20                   conducted by or through the institute and

21                   business transactions resulting from such

22                   research, personal identifying information of a

23                   donor or prospective donor to the institute who

24                   wishes to remain anonymous, and any information

25                   received by the institute from a person from

26                   another state or nation or the Federal

27                   Government which is otherwise confidential or

28                   exempt pursuant to the laws of that state or

29                   nation or pursuant to federal law; narrowing

30                   the exemption; making editorial changes;

31                   removing superfluous provisions; removing the

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1 scheduled repeal of the exemption; providing an  
2 effective date.

4 Be It Enacted by the Legislature of the State of Florida:

6 Section 1. Subsection (9) of section 1004.445, Florida  
7 Statutes, is amended to read:

8 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and  
9 Research Institute.--

10 (9) The following information is confidential and  
11 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24, Art. I  
12 of the State Constitution:

13 (a) Personal identifying information relating to  
14 clients of programs created or funded through the Johnnie B.  
15 Byrd, Sr., Alzheimer's Center and Research Institute that  
16 ~~which~~ is held by the institute, the University of South  
17 Florida, or the State Board of Education ~~or by persons who~~  
18 ~~provide services to clients of programs created or funded~~  
19 ~~through contracts with the Johnnie B. Byrd, Sr., Alzheimer's~~  
20 ~~Center and Research Institute;~~

21 (b) ~~Any~~ Medical or health records relating to patients  
22 held ~~which may be created or received~~ by the institute;

23 (c) Materials that relate to methods of manufacture or  
24 production, potential trade secrets, potentially patentable  
25 material, actual trade secrets as defined in s. 688.002, or  
26 proprietary information received, generated, ascertained, or  
27 discovered during the course of research conducted by or  
28 through the institute and business transactions resulting from  
29 such research;

30 (d) The personal identifying information ~~identity~~ of a  
31 donor or prospective donor to the ~~Johnnie B. Byrd, Sr.,~~

Bill No. SB 2066

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~~Alzheimer's Center and Research~~ institute who wishes to remain  
anonymous, ~~and all information identifying such donor or~~  
~~prospective donor; and~~

(e) ~~Any information received by the institute in the~~  
~~performance of its duties and responsibilities which is~~  
~~otherwise confidential and exempt by law; and~~

(f) Any information received by the institute from a  
person from another state or nation or the Federal Government  
that ~~which~~ is otherwise confidential or exempt pursuant to the  
laws of that state ~~state's~~ or nation ~~nation's laws~~ or pursuant  
to federal law.

Any governmental entity that demonstrates a need to access  
such confidential and exempt information in order to perform  
its duties and responsibilities shall have access to such  
information ~~and shall otherwise keep such information~~  
~~confidential and exempt. This section is subject to the Open~~  
~~Government Sunset Review Act of 1995 in accordance with s.~~  
~~119.15 and shall stand repealed on October 2, 2006, unless~~  
~~reviewed and saved from repeal through reenactment by the~~  
~~Legislature.~~

Section 2. This act shall take effect October 1, 2006.